

Amendments to the Drawings:

The attached sheet of drawings includes changes to FIG. 1A correcting numerals 24a, 26a, 24b and 26b. This sheet, which includes FIG. 1A replaces the original sheet including FIG.1A.

REMARKS

The above-identified patent application has been amended and Applicants respectfully request the Examiner to reconsider and again examine the claims as amended.

Claims 1 to 28 are pending in the application. Claims 1 to 28 were rejected. Claims 9, 25, and 26 are amended herein. Claims 1 - 8 were cancelled.

Applicants note the objection to the drawings and applicants have submitted a replacement drawing as part of this response.

Claims 1-3, 5, 6 and 25-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Noda et al. (Cosmos: Convenient Image Retrieval System of Flowers for Mobile Computing Situations). Claims 4, 7, 9-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noda et al. in view of Aarnio (US 6,522,889). Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Noda et al. in view of Reed (US/2005/0113113). Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noda et al. in view of Aarnio (US 6,522,889) and further in view of Reed (US/2005/0113113).

Applicants wish to thank the Examiner for his detailed Office Action and comments.

A review of the cited art shows that Noda teaches a system to capture an image (here a flower) with some simple characteristics of the flower and then send the latter using a PDA to an image retrieval server where images similar to the received image are retrieved using the captured image and the simple characteristics provided by the PDA user and the results of the retrieval is displayed on a web page constructed on the server. Images and characteristics of the flowers are stored in advance in the database. As the Examiner recognized, Noda fails to teach searching other servers for an image when an image can not be found on the image retrieval server.

Aarnio teaches inputting a digital image to the mobile station, transmitting the digital image to a conversion server for converting the digital image to text data which is then forwarded to a location server, the location server using general location address and text data compares the information to geographical location information stored in a database and then the location information is transmitted back to the mobile station. The OCR server has the capability of constructing patterns from images of the transmitted picture. The patterns are compared to existing patterns in a location server and once a location or match is identified, the location is transmitted back to the mobile station.

Applicants fail to understand where or how Aarnio teaches the concept of having the server in communication with the PDA initiate a further image search of additional databases on other computers when a matching image is not available on the server.

As taught on page 5, lines 14 - 23, the present invention is directed toward helping a user understand "what is this place" and to learn about objects in the user's field of view. More specifically, as taught on page 6, lines 10-27, the system provides a web database having images (with associated URLs and keywords) of known objects and associated text which describes features of the object in the image to include geographical location information as well as a description and any historical facts regarding the object as well as objects of interest located in the vicinity of the original object. Hence a user can search on an image and receive back similar images with associated text describing objects in the image and gain awareness and knowledge of his/her surroundings by selecting relevant images and then access the relevant content located at the associated URL.

The cited art fails to teach a user device for capturing an image and sending the image to a server to find a match with other images that are stored on the server by comparing the captured image with other images and where the server, when relevant images are not available on said server, uses the image to initiate a search for web pages on other computers that also contain similar images, the server then returning relevant images and the associated URL of the most relevant web pages containing a matching image to the user device for review by the user.

Applicants submit that Claim 9 is distinct over Noda et al. in view of Aarnio, since the cited references neither describes nor suggests the claimed embodiment where communicating to an user any resulting relevant images and associated hyperlinks of found similar images and a server, connected to the computer network, to store images of interest and to search for additional images of interest located on other computers connected to the network when an image of interest is not located on the server.

Claims 10 - 24 depend from and thus include the limitations of Claim 9. Thus, Applicants submit that Claims 1 - 24 are patentably distinct over the cited references at least for the reasons discussed above in conjunction with Claim 9.

Applicants submit that Claim 25 is distinct over Noda et al, since the cited reference or the other references neither describes nor suggests the claimed embodiment where a processor in the server to communicate with other computers having multiple image files and to search said other computers for a similar image when a similar images are not found in the server.

Applicants submit that Claim 26 is distinct over Noda et al, since the cited reference or the other references neither describes nor suggests the claimed method of searching additional databases on additional computers when a matching images are not found in the database.

Applicants have submitted herewith a Petition for an Extension of Time for three months with authorization to charge Daly, Crowley, Mofford & Durkee, LLP Deposit Account No. 50-0845 to cover the costs of the petition.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Amendment or this application.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845, including but not limited to, any charges for extensions of time under 37 C.F.R. §1.136.

Accordingly, re-examination and reconsideration are requested in view of the above amendment and remarks.

Respectfully submitted,

Dated: July 15, 2008

DALY, CROWLEY, MOFFORD & DURKEE, LLP

By: /Donald F. Mofford/
Donald F. Mofford
Reg. No. 33,740
Attorney for Applicant(s)
354A Turnpike Street - Suite 301A
Canton, MA 02021-2714
Tel.: (781) 401-9988, Ext. 113
Fax: (781) 401-9966
dfm@dc-m.com

88604

Appendix:

Replacement Sheet for FIG. 1A (1 sheet) is attached.